



Planning and Development Department

ZONING BOARD OF ADJUSTMENT: INFORMATION AND GUIDELINES

JURISDICTION

The Board of Adjustment is a citizen court appointed by the City Council to hear an appeal and request for:
Variances, Special Exceptions, and Interpretations of the Zoning Ordinance.

WHO MAY APPLY:

The owner of the property under consideration, or a person having a written authorization from, and representing, the owner may apply for a "Variance" or "Special Exception" to the Zoning Board of Adjustment.

Anyone aggrieved by an "Interpretation" of the Zoning Ordinance, rendered by a City Official, may appeal such decision to the Zoning Board of Adjustment.

WHERE TO APPLY:

Planning and Development Department-Appeals, (Lower Level in the Northeast section of the building), City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

WHEN TO APPLY:

Application for an appeal must be filed by the scheduled filing deadline, which is approximately 30 days prior to the Public Hearing.

FILING FEES:

Residential Variance	\$200.00	Non-Residential Variance	\$400.00
(Front Yard Carport-SE)	\$200.00	Special Exceptions	\$400.00
Interpretation	\$400.00	Continuance	\$200.00

Note: Fees are non-refundable (* Plus \$60.00 for each additional variance within the same application.)

NOTE: All fees must be paid at the time of application filing. Additional fees may be applicable upon full review of the application request. Upon Board approval of a request, a separate application and fee is required for processing a building permit.

Commercial or Non-Residential Variance includes rental property and any pending purchases.
(Deed or binding proof of ownership must be submitted at time of the request.)

HEARING DATE: **COMMERCIAL BOARD:** First Wednesday of each month at 10:00 a.m.
RESIDENTIAL BOARD: Third Wednesday of each month at 1:30 p.m.
HEARING LOCATION: Council Chambers, 2nd Floor, City Hall, 1000 Throckmorton St, Fort Worth, TX, 76102.

2013 COMMERCIAL DEADLINES (3:00pm) / HEARING DATES

December 3 (2012).....January 2 (2013)
January 7.....February 6
February 4March 6
March 4April 3
April 1May 1
May 6June 5
June 3July 3
July 8.....August 7
August 5September 4
September 3 (Tuesday).....October 2
October 7.....November 6
November 4December 4
December 2 (2013).....January 3 (2014)

2013 RESIDENTIAL DEADLINES (3:00pm) / HEARING DATES

December 17 (2012).....January 16 (2013)
January 22 (Tuesday).....February 20
February 18.....March 20
March 18April 17
April 15May 15
May 20June 19
June 17July 17
July 22.....August 21
August 19September 18
September 16.....October 16
October 21November 20
November 18December 18
December 16 (2013).....January 15 (2014)

HEARING PROCESS:

The applicant, or authorized agent, must be present at the hearing to present one's appeal. Otherwise, the Board may DENY the case. The Planning and Development Department will mail a hearing notice to all property owners within 300' of the application site, not less than ten days prior to the date of the hearing.

BOARD DECISION:

At the conclusion of the public hearing, the Board will render a decision to either: ***approve, approve with conditions, continue, deny, or deny without prejudice.*** *****Applicants with approved cases are allowed 180 days to obtain a building permit.***** (A one-time extension may be obtained upon written request to the Senior Planning Assistant.)

APPEAL OF DECISION:

Any person aggrieved by a decision of the Board may, within **ten (10) days** following the date the Board's Decision is filed for record in the City Planning and Development Department, submit a verified petition to any court of law having legal jurisdiction, setting forth that the Board's decision is illegal, either in whole or in part, and specifying the grounds of the illegality. **DECISIONS of the Board do not replace approvals required by any other agency or review body.**

APPLICANT'S RESPONSIBILITY:

Applicants are responsible for the presentation of their case before the Board, and to provide support information to include, but not be limited to the following items: (Note: Staff will provide support services only)

- Surrounding land use supporting the request.
- Description of the "Hardship(s)" that necessitate the request.
(See Zoning Ordinance No. 13896, Sect. 3.403.1-5)
- Reason(s) for appearing before the Board (i.e. Code Violation, Citizen Complaint, Building Inspector noted permit violation, etc.)
- Reasons why the Board should grant the applicant's request.

OTHER REGULATORY CONSIDERATIONS:

Approval of a request does not negate any private legal recorded *Restrictive Deed Covenants and Restrictions* that may affect the property. However, the City does not enforce such additional restrictions.

CRITERIA REGULATING VARIANCE REQUESTS:

Sect. 3.403 of the Zoning Ordinance establishes 5-evaluation criteria for consideration by the Board, when reviewing and deciding upon requested variances to the Zoning Ordinance. The applicant is therefore encouraged to respond to these criteria, upon addressing the Board:

1. Will literal enforcement of the ordinance result in a "hardship" or "practical difficulty"?
2. Is the "hardship" self-imposed?
3. Is the condition unique to the property, or is it common to other properties within the area?
4. Will the requested Variance injure the adjacent property?
5. Will the requested variance be contrary to orderly development in the area?

WITHDRAWAL OF CASE:

The applicant may withdraw his/her case at anytime without penalty, except after public notice has been filed. A request for withdrawal shall be submitted in writing. Upon receipt, all proceedings will terminate thereon. If withdrawn after public notice advertisement, the case will automatically constitute a "Denial" by the Board. If "Denied", no re-application of like nature will be accepted within a 24 calendar month period. If "Denied Without Prejudice", and the original applicant finds that substantial or significant changes have occurred in the project during the prescribed 24 month waiting period, then a written re-application may be submitted, and a waiver requested relax all or part of the 24 month period.

Supplemental Information:

Residential (817) 392-8826 / Commercial (817) 392-8026 / (817) 392- 2561 or FAX (817) 392-7526
Log on: www.fortworthtexas.gov/PlanningandDevelopment
Email for late Correspondence: boardofadjustment@fortworthtexas.gov

**APPLICATION TO THE
ZONING BOARD OF ADJUSTMENT
City of Fort Worth, Texas**



Planning and Development

PLEASE TYPE OR PRINT USING BLACK OR BLUE INK & PROVIDE DETAILED COPY OF THE SURVEY / SITE PLAN

- | | |
|---|--|
| <input type="checkbox"/> Residential Variance (One and Two Family Homes) \$200 | <input type="checkbox"/> CONTINUANCE \$200 |
| <input type="checkbox"/> Residential Special Exception Front Yard Carports (One and Two Family Homes) \$200 | <input type="checkbox"/> Bed & Breakfast \$400 |
| <input type="checkbox"/> Non-Residential Variance \$400 | <input type="checkbox"/> Non-Residential Special Exception \$400 |
| | <input type="checkbox"/> Interpretation \$400 |

Mapsc0 _____ Zoning _____ HCLC Approval/Applied _____ NEZ Approval /Applied _____ Urban Village ☐

☐ Check if a City of Fort Worth INTERPRETER is needed to assist at the Board of Adjustment Hearing?

Address of Premises affected: _____

Block/Abstract: _____ Lot/Tract: _____ Lot Size: _____

Legal Description: Addition/Survey: _____

Owner's Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Tele: () _____ Fax: _____ E-Mail _____

Applicant's Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Tele: () _____ Fax: _____ E-Mail _____

Explain Request: (Fully explain the existing conditions that make this request necessary.) _____

Status of Project: ☐ Existing

☐ Under Construction

☐ Proposed

Status of Property: ☐ Owner

☐ Leased or Rented

☐ Commercial

Previous Board of Adjustment Case filed on this property: ☐ Yes

☐ No (If yes, provide the location)

Date _____ B/A Case Number(s) _____

Are there **similar situations** in the area? ☐ Yes ☐ No

Addresses: _____

Have you informed your Home Owners Association ☐ YES ☐ NO or Neighbors ☐ YES ☐ NO of the request?

Model Homes: Is model home off of an arterial street? ☐ YES ☐ NO

Provide a description of the existing and / or proposed physical property improvements relative to this case (i.e. materials, structure type and height, dimensions, etc.) Please also supply and identify photos where applicable, to support your case –

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

I certify that the information herein provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will cause this case to be presented in public hearing before the Zoning Board of Adjustment, unless I withdraw same prior to the City's posting of public notice. Should I initiate withdrawal after public notice is posted, I understand that the Board action shall constitute denial of the case, and the filing fee will be non-refundable. Further, no new application may be filed for hearing within 24 months of the date of Board denial or post-public notice withdrawal, unless the denial is without prejudice, or substantial changes have occurred in which to warrant a Board waiver of the 24 month mandatory re-application delay period. Most Board and Commission operate on a 30 –60 days, but may be applied for, concurrently with the Board of Adjustment. **ANY REQUIRED PERMITS MUST BE OBTAINED WITHIN 180 DAYS.**

Signed by the Applicant / Owner or Agent

(Circle appropriate entity) _____ Date _____

DATE RECEIVED:	FEE AMOUNT:	RECEIPT NO:	APPLICATION RECEIVED BY:	CASE NO.
----------------	-------------	-------------	-----------------------------	----------

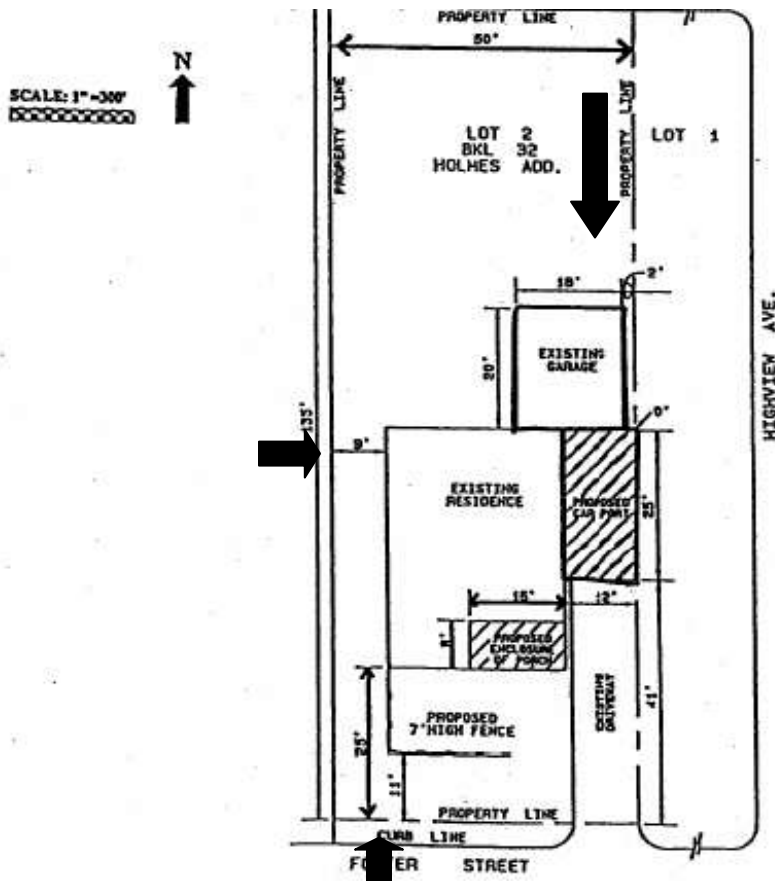
SITE PLAN REQUIREMENTS

Application Before the Zoning Board of Adjustment



Planning and Development

1. ☐ Plan Sheet Size (8½"x11"). If site plan larger than (11"x14") may be taken to Reprographics for downsized version.
2. ☐ Use dark pencil or black ink and print legibly.
3. ☐ Drawing must be to scale with North Arrow to top of paper. Graphic scale indicated.
4. ☐ Identify and show all Property Lines and Lot Dimensions.
5. ☐ Show all existing buildings and structures with a ***solid heavy line***, and all those that are proposed with a ***dashed line***.
6. ☐ Dimension the perimeter of all structures. Provide square footage of each building / structure, and show their dimensional separation from each building, and distances to adjacent property lines.
7. ☐ Identify and label all adjacent streets, alleys, and access easements.
8. ☐ Provide copy of the subdivision plat in which the lot is located and copy of the plot plan or (survey map) of the property (if available).
9. ☐ **SIGNAGE** Special Exception or Variance request(s) **must have rejection letters attached prior to submitting.**
10. ☐ Show on-site parking areas with dimensions of parking spaces and maneuvering areas, if applicable.





Planning and Development

LETTER OF AUTHORIZATION

To the City of Fort Worth, Texas

Authority is hereby granted to _____
(Family Member, Friend, Company, etc, you would have represent you at the hearing)

Address City State Zip (Telephone)

to file in my/our behalf for Request for Variance from terms of the Zoning Ordinance or Special
Exception on the following described property.

(Address)_____

(Legal Description)_____

The Authority is granted only for the following specific request:

Nature of Variance Request: _____

The undersigned is the property owner of the above-described property.

The Authorization will remain in force until revoked by written notice.

Owner: _____

Address: _____

Telephone: _____

Accepted for Case No. B/A _____

By _____

Date _____

BOA SUPPORT PETITION

CASE # (BAR / BAC – 1 - _____)

I have been informed of the variance request(s) "as stated below" and I have NO objection
(Request must be filled in by Applicant)

<i>Neighbors Name</i>	<i>Signature</i>	<i>Address</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		